

SENATE BILL 498

E4

5lr2345
CF HB 462

By: Senators Montgomery, Benson, Ferguson, Hough, Kagan, Kelley, ~~and Madaleno~~ Madaleno, Zirkin, Gladden, Brochin, Cassilly, Lee, Muse, Norman, Ramirez, Raskin, and Ready

Introduced and read first time: February 6, 2015

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 17, 2015

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Statewide Accounting of Sexual Assault Evidence Kits**

3 FOR the purpose of requiring a certain law enforcement agency or other State or local
4 agency to conduct an inventory of certain sexual assault kit evidence on or before a
5 certain date; requiring a certain agency to prepare a certain report regarding certain
6 untested sexual assault evidence collection kits on or before a certain date; requiring
7 the report to be submitted to the Attorney General; requiring the Attorney General
8 to prepare and submit to the General Assembly a certain report and certain
9 recommendations on or before a certain date; and generally relating to sexual assault
10 evidence.

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
12 That:

13 (a) (1) In this section the following words have the meanings indicated.

14 (2) “Sexual assault kit evidence” means evidence collected from the victim
15 of a sexual assault offense with a Department of State Police sexual assault evidence
16 collection kit by a health care provider during a forensic medical examination.

17 (3) “Sexual assault offense” means a violation or an attempted violation of
18 Title 3, Subtitle 3 or § 3–602 of the Criminal Law Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (4) "Untested sexual assault collection kit" means a sexual assault
2 collection kit that has not been submitted to the State Crime Lab or a similar qualified
3 laboratory for either a serology or deoxyribonucleic acid (DNA) test.

4 (b) On or before January 1, 2016, a law enforcement agency or other State or local
5 agency charged with the maintenance, storage, and preservation of sexual assault kit
6 evidence shall conduct an inventory of all kits that are stored by the agency.

7 (c) (1) On or before March 1, 2016, an agency described in subsection (b) of
8 this section shall prepare a written report containing the number of untested sexual assault
9 collection kits in the possession of the agency and the date the sexual assault kit evidence
10 was collected.

11 (2) The report shall be submitted to the Attorney General.

12 (d) On or before December 1, 2016, the Attorney General shall prepare and
13 transmit a report to the General Assembly, in accordance with § 2-1246 of the State
14 Government Article, detailing:

15 (1) the number of untested sexual assault collection kits being stored by
16 each agency;

17 (2) the date that each untested sexual assault collection kit was collected;
18 and

19 (3) recommendations for addressing any backlog of untested sexual assault
20 collection kits.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2015.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.